

NATIONAL
INDIAN
GAMING
COMMISSION

JUL 20 1994

Ernest L. Stensgar, Chairman
Couer d'Alene Tribe
Couer d'Alene Tribal Headquarters
Plummer, Idaho 83851

Dear Chairman Stensgar:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Couer d'Alene Tribe of Idaho (the Tribe) on August 10, 1989, and amended on December 9, 1993, and June 23, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Couer d'Alene Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

CHARITABLE GAMING CODE

CDA ORDINANCE 02(89)

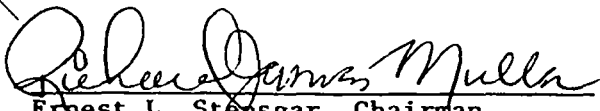
WHEREAS, The Coeur d'Alene Tribal Council has been empowered to act for and on behalf of the Coeur d'Alene Tribe of Idaho pursuant to the Revised Constitution and By-Laws, adopted by the Coeur d'Alene Tribe by referendum November 10, 1984, and approved by the Secretary of the Interior, Bureau of Indian Affairs, December 21, 1984; and


WHEREAS, The Coeur d'Alene Tribal Council has fully considered the attached new Chapter 29 to the Law and Order Code of the Coeur d'Alene Tribe of Idaho and finds that it is in the best interest of the Tribe that the new Chapter 29 be adopted as an Ordinance of the Coeur d'Alene Tribe of Idaho.

NOW, THEREFORE, BE IT RESOLVED, That the Coeur d'Alene Tribal Council does hereby adopt the attached Charitable Gaming Code as an Ordinance of the Coeur d'Alene Tribe of Indians to be known as Chapter 29 Charitable Gaming Code.

C E R T I F I C A T I O N

The foregoing resolution was adopted at a meeting of the Coeur d'Alene Tribal Council held at the Joseph R. Garry Administration Building, Tribal Headquarters, near Plummer, Idaho, on AUGUST 10, 1989, with the required quorum present by a vote of 5 FOR 0 AGAINST 1 ABSTAIN.


Ernest L. Stensgar, Chairman
Coeur d'Alene Tribal Council


Margaret R. Jose', Secretary
Coeur d'Alene Tribal Council

RECEIVED
AUG 14 1989
C.D.A. TRIBAL COUNCIL

CHAPTER 29
COEUR D'ALENE TRIBAL CHARITABLE GAMING CODE

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CHAPTER 29
CHARITABLE GAMING CODE

29-1.01 Title

This Chapter shall be known as the Coeur d'Alene Tribal Charitable Gaming Code.

29-2.01 Purpose and Intent

The purpose and intent of this Chapter is to provide a comprehensive scheme of regulations of Tribal or Indian owned gaming on the Coeur d'Alene Indian Reservation. This Chapter does not apply to traditional forms of Indian gaming regulated under Chapter 26 or to non-Indian gaming operations. Specifically, the purposes and intents of this Chapter are to:

A) Fund charitable activities of the Coeur d'Alene Tribe including education of Coeur d'Alene Tribal children, Coeur d'Alene Tribal senior citizen activities and traditional Coeur d'Alene Tribal cultural events.

B) Provide funds for the health, education and general welfare of the Coeur d'Alene Tribe and its members.

C) Provide funds for the operations and programs of the Coeur d'Alene Tribal Government and Coeur d'Alene Tribal Agencies.

- D) Provide jobs for Coeur d'Alene Tribal members.
- E) Provide for responsible, environmentally sound economic development of the Coeur d'Alene Reservation.
- F) Promote Coeur d'Alene Tribal self-government by providing a larger share of the operating expenses of the Tribal Government, thereby reducing dependency on Federal funds.
- G) Encourage Tribal self-sufficiency and promote Tribal sovereignty.
- H) Provide services and activities on the Coeur d'Alene Reservation which can be used and enjoyed by both Indians and non-Indians to foster cooperation, goodwill and racial harmony on the Reservation between all races.
- I) Safeguard all persons from unscrupulous and illegal operations of any type of gaming.
- J) Regulate all forms of gaming to prevent and eliminate any possible influence of organized crime or other undesirable elements on the Reservation.

29-3.01 Definitions

- A) Tribe means the Coeur d'Alene Tribe of Idaho.

B) Reservation means all area within the exterior boundaries of the Coeur d'Alene Indian Reservation.

C) Tribal Council means the elected Tribal Council of the Coeur d'Alene Tribe of Idaho.

D) Board means the Coeur d'Alene Tribal Charitable Gaming Board.

E) Lottery means all forms of gaming which contain the three essential elements of chance, consideration and prize, whether or not electronic, computer, or other technologic aids are used in connection therewith,

F) Class II Gaming means:

1. The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)

- a. which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

- b. in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

c. in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards,

including (if played in the same location pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

2. card games that -

a. are explicitly authorized by the laws of the State of Idaho, or

b. are not explicitly prohibited by the laws of the State of Idaho and are played at any location in the State of Idaho,

but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

3. The term "class II gaming does not include -

a. any banking card games, including baccarat, chemin de fer, or blackjack (21), or

b. slot machines of any kind.

G) Class III Gaming means all forms of gaming that are not traditional forms of Indian gaming or Class II gaming.

H) Net Revenue means those revenues of an authorized and licensed gaming activity less amounts paid out, or paid for, prizes and total operating expenses, excluding management fees.

I) Gaming Facility means any facility or location on the Coeur d'Alene Indian Reservation at which any type of gaming is conducted.

J) Operator means any person or entity operating or managing a form of gaming authorized or licensed by the Board.

K) Management Contractor means an individual or entity with whom the Coeur d'Alene Tribe of Idaho has contracted to operate a gaming activity on the Coeur d'Alene Indian Reservation.

29-4.01 Establishment of the Board

The Coeur d'Alene Tribal Charitable Gaming Board is hereby established. The Board shall consist of three members who shall all be enrolled members of the Coeur d'Alene Tribe

of Idaho. The Board members shall serve staggered three year terms with one member being appointed by the Council each year. When the Council appoints the initial Board, one member shall be appointed for one year, one member for two years and one member for three years. Thereafter, all members shall be appointed for threeyear terms.

29-4.02 Responsibility For Gaming

The Coeur d'Alene Tribe of Idaho through its Tribal Council shall have sole proprietary interest and responsibility for the conduct of all gaming on the Coeur d'Alene Indian Reservation. The Tribal Council may designate responsibility for the conduct of various aspects of gaming to the Board, but may not delegate the responsibility for determining the type of gaming authorized on the Reservation or for entering into gaming management contracts.

29-4.03 Removal

Any member of the Board may be removed for cause by the Council.

29-5.01 Powers and Duties of the Board

The Board shall, unless otherwise directed by the Tribal Council, have the following powers and duties:

A) Implement gaming activities authorized by the Tribal Council to be conducted on the Coeur d'Alene Reservation in accordance with this Chapter.

B) Issue licenses to gaming facilities, operators, primary management officials, or key employees of any gaming enterprise.

C) Oversee and regulate all gaming and activities authorized by the Tribal Council subject to any terms and conditions that may be set out in any contracts that the Tribal Council may enter into with a management contractor or operator.

D) Promulgate rules, regulations and bylaws, subject to Tribal Council approval.

E) Contract for services needed to carry out the duties and obligations of the Board, provided however, that only the Tribal Council may enter into contracts with a management contractor for the operation of a gaming facility.

F) Regulate and control and/or enter into contracts regarding all concessions, including those for food and beverage, that are operated in conjunction with gaming authorized under this Act.

G) Provide for proper recordkeeping of all gaming activities and Board affairs, including an annual independent outside audit of the gaming, which may be encompassed within the existing independent Tribal audit system. All contracts for supplies, services or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal services or accounting services) shall be subject to such annual independent outside audit.

H) Collect revenues, pay expenses and transfer all net revenue as approved by the Tribal Council.

I) Hire professional, technical and other employees as may be necessary to carry out the duties of the Board.

J) Approve all major procurements.

K) Review on a monthly basis records of all gaming authorized under this Code.

L) Receive revenue and make disbursements.

M) Conduct investigations, hold hearings, administer oaths and issue subpoenas which shall be enforced by the Tribal Court.

N) Require bonds of operators, management contractors,

primary management officials and key employees of any gaming facility.

O) Perform all other acts necessary to carry out the purposes and provisions of this Code.

29-5.02 Board Expenses

Members of the Board shall be allowed reasonable out-of-pocket expenses and per diem, but shall receive no salaries unless otherwise approved by the Coeur d'Alene Tribal Council. Such payments shall come out of the license fees or net revenues of the gaming activities allowed under this Chapter.

29-5.03 Limitation on Board Activities

No member of the Board shall participate in any form of gaming regulated by the Board under this Chapter. No member of the Board, nor a member of their immediate family, shall be employed by any operator, management contractor or at any gaming facility regulated by the Board.

29-6.01 Limitations on Gaming

No gaming of any type whatsoever shall be conducted on the Coeur d'Alene Indian Reservation except as allowed by this

Chapter, specifically authorized by a Tribal Council Ordinance upon a finding that such gaming is in the best interest of the Coeur d'Alene Tribe and under a license issued by the Board.

29-6.02 Class I Games

Class II games that are authorized by Tribal Council Ordinance may be conducted on the Coeur d'Alene Indian Reservation under such terms and conditions as determined by the Board.

29-6.03 Class III Games

Class III games that are authorized by Tribal Council Ordinance may be conducted on the Coeur d'Alene Indian Reservation under such terms and conditions as determined by the Board, so long as the conduct of such Class III games satisfies all other legal requirements.

29-6.04 Other Gaming

Notwithstanding any other provision of this section, the Tribal Council may authorize by Ordinance any form of lottery, parimutual betting, or charitable game of chance regardless of whether it employs electronic, computer, or other technologic aids, that is allowed by law and found by the Tribal Council to be in the best interests of the

Coeur d'Alene Tribe.

29-6.05 No Gaming By Minors

No one under the age of 18 shall be allowed to participate in gaming authorized under this Code.

29-6.06 Gaming Authorized

Charitable bingo and the related games of pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo are deemed to be Class II games. It is in the best interests of the Coeur d'Alene Tribe that such games be conducted on the Reservation in a central facility under either the direct management of the Board or under a Management Contractor as provided by this Code. Such gaming is authorized under terms and conditions to be established by the Board. The Board may license the playing of charitable bingo or related games at such other facilities or by other operators as it deems appropriate.

29-7.01 Licenses and Background Checks

The Board may issue facility licenses and personal licenses. No facility may conduct gaming unless it has received a facility license. No operator, primary management official or key employee of any gaming enterprise may hold such position unless they have

received a personal license by the Board.

29-7.02 Personal Licensing Standards

No person shall receive a personal license if that person's prior activities, criminal record, if any, reputation, or associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming and such facts are verified by a background investigation which is conducted on all primary management officials and key employees in the gaming enterprise. The Board shall continue oversight of such officials in their management conduct on an ongoing basis.

29-7.03 Revocation of License

A facility or personal license previously issued shall be revoked by the Board if it determines anytime that the facility's or person's activities, criminal record, reputation, habits, or associations pose a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming, or that the person or facility is in violation of the By-Laws, regulations, or directives of the Board.

29-8.01 Certificate of Acceptability

Prior to the issuance of a facility license to any premise under this Code, the Board shall be provided with a certificate of acceptability from the Coeur d'Alene Tribal Planning Department which certifies that the construction and maintenance of the gaming facility and the manner in which gaming is to be operated and services provided will adequately protect the environment and the public health and safety.

29-8.02 Inspection of Premise & Records

Each and every facility licensed under this Code to conduct gaming shall be available for inspection by the Board or its designee at all times. All books and records of any gaming facility authorized under this Chapter shall be kept and maintained on the Coeur d'Alene Indian Reservation at all times. Such books and records shall be open for inspection by the Board or its designee at all times, and shall be reviewed by the Board or its designee on a monthly basis.

29-9.01 Taxation and Net Revenue Distribution

The Tribe specifically reserves, through its inherent power as a sovereign nation, the full right and authority

to adopt or impose a uniform and comprehensive system of taxation and/or fee structure for all gaming allowed under this Code.

29-9.02 Net Revenue Distribution - Charitable Requirement

Not less than 20% of net revenues (after payment of sums required under any management contract if there be one) shall go to charitable organizations of the Coeur d'Alene Tribe including but not limited to education, senior citizen programs, or traditional Tribal cultural events.

29-9.03 Net Revenue Distribution - other

The remaining net revenues (after payment of sums required under any management contract if there be one) shall be used for the following purposes and no others:

- A) To fund Tribal government operations and programs.
- B) To provide for the general welfare of the Coeur d'Alene Tribe of Idaho and its members.
- C) To promote Coeur d'Alene Tribal economic development.
- D) Help fund Coeur d'Alene Tribal agencies.

29-9.04 No Per Capita Payments

Per capita payments to Coeur d'Alene Tribal members may be

made from net revenues only as allowed by law and as approved by the Tribal Council.

29-9.05 Management Contracts

The Board may enter into management contracts for the conduct of gaming under this Chapter, but in no event shall the management contractor receive more than 40% of the net revenues in consideration of the provision of management services.

29-10.01 Penalties For Violations

Any person who contracts, supplies, manages, is employed by, or participates in any gaming activity authorized under this Chapter shall, as a matter of doing so, consent to the civil and criminal jurisdiction of the Coeur d'Alene Tribe of Idaho. Such consent to jurisdictions shall be publicly posted and shall be contained on all cards, tickets or other gaming devices used under the authority of this Chapter.

29-10.02 Civil Penalties For Violations

Any person who shall violate any provisions of this Chapter or shall conduct gaming operations without a required license, shall commit fraud or deceit, or shall engage in professional gambling or bookmaking, shall be

subject to one or all of the following civil penalties:

- A) Civil fine of \$2000 per occurrence per day and confiscation of all proceeds from such activities,
- B) Injunctive relief against continued violation of this Chapter,
- C) Exclusion from the Coeur d'Alene Indian Reservation in conformity with Chapter 24 of this Code,
- D) Revocation or suspension of gaming license, or
- E) Civil cause of action by the Tribe for damages, restitution or other equitable relief.

29-11.01 Investigations, Hearings & Judicial Review

Nothing in this Chapter shall entitle any individual or entity to any right to appeal or judicial review that they do not otherwise have as a result of some other law.

The Board or its designee may conduct any investigation or hold any hearing it deems appropriate and necessary to carry out its responsibilities under this act.

The Board or its designee may conduct such other hearings to review a prior decision as are necessary unless the Board itself was the decisionmaker, in which case the

hearing shall be conducted by the Tribal Council or its designee.

Jurisdiction for judicial review of an administrative hearing decision under this Section shall rest exclusively with the Tribal Court. In the exercise of its jurisdiction to conduct such judicial review, the Court shall be absolutely and completely bound by the findings of facts of the administrative hearing and may only reverse the decision if substantial prejudicial errors of law occur.

29-13.01 Severability

If any provision of this Chapter is held invalid or its application to any person or circumstance is held invalid, the remainder of this Chapter or the application of the provision to other persons or circumstances is not affected.

**RESOLUTION AUTHORIZING
AMENDMENT TO TRIBAL
GAMING CODE**

CDA RESOLUTION 5/ (94)

WHEREAS, The Coeur d'Alene Tribal Council has been empowered to act for and on behalf of the Coeur d'Alene Tribe pursuant to the revised Constitution and By-Laws, adopted by the Coeur d'Alene Tribe by referendum November 10, 1984, and approved by the Secretary of the Interior, Bureau of Indian Affairs, December 21, 1984; and

WHEREAS, the National Indian Gaming Commission has established certain mandatory criteria for Class II tribal gaming statutes; and

WHEREAS, it is appropriate to modify Coeur d'Alene tribal statutes accordingly and to make certain other changes,

NOW, THEREFORE, BE IT RESOLVED that Chapter 30 of the Coeur d'Alene Tribal Code is amended to add new sections to Chapter 30 incorporating the National Indian Gaming Commission requirements which are attached as 30-13.01 thru 30-13.09 and 30-14.01.

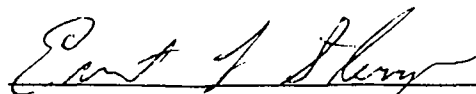
NOW, THEREFORE, BE IT FURTHER RESOLVED that Chapter 30 of the Coeur d'Alene Tribal Code is amended by adding a new provision to 30-4.01 as attached providing that the Tribal Council shall serve as the Gaming Board until the Board is appointed.


NOW, THEREFORE, BE IT FURTHER RESOLVED that Chapter 30 of the Coeur d'Alene Tribal Code is amended by striking the word "Board" and adding the words "Tribal Council" in 30-9.05 as the entity which may enter into management contracts.

NOW, THEREFORE, BE IT FURTHER RESOLVED that an emergency exists requiring that 30-13.01 thru 30-13.09 and 30-14.01 shall be effective immediately and the modifications to 30-4.01 and 30-9.05 shall be effective January 1, 1993.

CERTIFICATION

The foregoing resolution was adopted at a meeting of the Coeur d'Alene Tribal Council held at the Joseph R. Garry Administration Building, Tribal Headquarters, near Plummer, on December 9, 1993 with the required quorum present by a vote of 5 In Favor, 0 Against, and 0 Abstaining.


ERNEST L. STENSGAR, CHAIRMAN
COEUR D'ALENE TRIBAL COUNCIL


MARGARET R. JOSE, SECRETARY
COEUR D'ALENE TRIBAL COUNCIL

30-4.01 **Establishment of the Board**

The Cocur d'Alene Tribal Charitable Gaming Board is hereby established. The Board shall consist of three (3) members who shall be enrolled members of the Cosur d'Alene Tribe. The Board members shall serve staggered three (3) year terms with one member being appointed by the Council each year. When the Council appoints the initial Board, one member shall be appointed for one year, one member for two years and one member for three years. Thereafter, all members shall be appointed for three year terms. The Tribal Council shall serve as the Gaming Board until the full Board is appointed.

30-9.05 **Management Contracts**

The ~~Board~~ Tribal Council may enter into management contracts for the conduct of gaming under this Chapter, but in no event shall the management contractor receive more than 40% of the net revenues in consideration of the provisions of management services.

Effective 1/1/94

30-13.01 Purpose

The Coeur d'Alene Tribal Council (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance which shall be referred to as statutes in order to set the terms for Class II gaming operations on tribal lands.

30-13.02 Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703 (7)(A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

30-13.03 Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

30-13.04 Use of Gaming Revenue

A. Net revenues from class II gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710(b) (3).

30-13.05 Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

30-13.06 Protection of the Environment and Public Health and Safety

Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

30-13.07 Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any class II gaming enterprise operated on Indian lands:

A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

(a) A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Counting room supervisor;
- (3) Chief of security;
- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

- (1) To hire and fire employees; or
- (2) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

B. Application Forms

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

- a. Complete a new application form that contains a Privacy Act notice; or
- b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001)

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- a. Complete a new application form that contains a notice regarding false statements; or
- b. Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

- a. Full name, other names used (oral or written), social security numbers(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

- k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

2. The Tribe shall conduct an investigation sufficient to make a determination under subsection D. below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.

2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.

3. If a license is not issued to an applicant, the Tribe:

- a. Shall notify the National Indian Gaming Commission; and
- b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

30-13.08 License Locations

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II gaming is conducted under this ordinance.

30-13.09 Repeal

To the extent that 30-01 thru 30-12 are inconsistent with 30-14 thru 30-15, those prior gaming statutes are hereby repealed and 30-14 thru 30-15 shall control.

30-14.01 Specific Background Investigations

Section 522.2(b) requires a description of procedures to conduct or cause to be conducted background investigations on key employees and primary management officials.

Background investigations of key employees and primary management officials shall include:

- A. A clear statement that the tribe is responsible for the conduct of the background investigations and suitability determinations.
- B. An organization chart or statement showing the positions or people responsible for --
 - 1. conducting and causing to be conducted the background investigations;
 - 2. reviewing and approving the investigative work done;
 - 3. reporting the results of the background investigation to the National Indian Gaming Commission;
 - 4. obtaining and processing fingerprints; and
 - 5. making the suitability determinations.
- C. An explanation of how the positions and people identified above were selected.
- D. A listing of the minimum investigative procedures to be performed, including the following:
 - 1. Verify by written or oral communication information submitted by applicant.
 - 2. Inquire into the applicant's prior activities, criminal record, if any, and reputation, habit and associations; interview a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the tribe to make a finding concerning the eligibility for employment in a gaming operation.
 - 3. Document the disposition of all potential problem areas noted and disqualifying information obtained.

E. An investigative report setting forth the following:

1. Steps taken in conducting the background investigation;
2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

**RESOLUTION AUTHORIZING
AMENDMENT TO TRIBAL CODE
CHAPTERS 30-13.01 AND 30-13.02**

CDA RESOLUTION 218 (94)

WHEREAS, The Coeur d'Alene Tribal Council has been empowered to act for and on behalf of the Coeur d'Alene Tribe pursuant to the revised Constitution and By-Laws, adopted by the Coeur d'Alene Tribe by referendum November 10, 1984, and approved by the Secretary of the Interior, Bureau of Indian Affairs, December 21, 1984; and

WHEREAS, Congress has given the National Indian Gaming Commission authority pursuant to the Indian Gaming Regulatory Act to review tribal gaming ordinances and to impose certain requirements to gaming, and

WHEREAS, the National Indian Gaming Commission pursuant to 25 CFR 522 as raised certain questions regarding the Coeur d'Alene Tribe's gaming statutes, and

WHEREAS, it is the desire of the Coeur d'Alene Tribe to adopt a uniform system of background checks for both Class II and Class III gaming,

NOW, THEREFORE, BE IT RESOLVED that the Coeur d'Alene Tribal Code be amended as set forth in the attachment to this ordinance.

BE IT FURTHER RESOLVED that an emergency exists and that these amendments shall take effect immediately upon adoption of this Resolution.

CERTIFICATION

The foregoing resolution was adopted at a meeting of the Coeur d'Alene Tribal Council held at the Joseph R. Garry Administration Building, Tribal Headquarters, near Plummer, on June 23, 1994 with the required quorum present by a vote of 5 In Favor, 0 Against, and 1 Abstaining.



**ERNEST L. STENSGAR,
CHAIRMAN
COEUR D'ALENE TRIBAL COUNCIL**



**MARJORIE MATHESON-ZARATE,
SECRETARY
COEUR D'ALENE TRIBAL COUNCIL**

30-13.01 Purpose

The Coeur d'Alene Tribal Council (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance which shall be referred to as statutes in order to further set the terms for Class II and III gaming operations on tribal lands. All of the following sections shall apply to Class II gaming. Sections 30-13.03; 30-13.06; 30-13.07 A, C, and D; 30-13.08; and 30-14.01 shall apply to Class III gaming.

30-13.02 Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703 (7)(A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Subsection 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized. Class III gaming authorization is governed by the terms of 30-6.03.